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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,766	08/01/2003	Lawrence McGowan Beamen	BEAMEN	5051

45498 7590 10/18/2005

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EXAMINER

DOAN, ROBYN KIEU

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,766

Applicant(s)

BEAMEN, LAWRENCE
MCGOWAN

Examiner

Robyn Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6 and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaccaro et al (5012830).

With regard to claim 1, Vaccaro et al discloses a hairstyling device (figs. 1-6) comprising a first member (20) having a linear edge (22) along a side thereof, a second member (10) having an inner edge (12a), said second member being adapted to pivot (fig. 1) about an axis (at 38) with respect to the first member, wherein the inner edge being adapted to contact at least a portion of the linear edge (fig. 3) and both inner and linear edges being not adapted to cut hair when in contact with each other. The inner edge further having an opening (34) when the linear edge and the inner edge being contact with each other that is adapted to enclose a plurality of hairs (col. 7 lines 35-39) that are inherently adapted to secure a braid to the plurality of hair and wherein the opening being inherently adapted to facilitate the removal of the braid when the opening is urged in a direction toward the braid sufficient to make contact with at least a portion of the braid. In regard to claims 4-6 and 16, the inner edge also having a comb portion

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(10) extending a predetermined distance along a longitudinal length of the inner edge and being adapted to contacting the linear edge sufficient to force any hair that is disposed intermediate the comb portion and the linear edge to engage a plurality of teeth of the comb portion; the comb portion including a first comb portion with a first tooth (11) profile and density; the comb portion further including a removable comb portion and wherein said first comb portion is adapted to be removed from the second member and wherein a second comb portion being adapted to replace the first comb portion, said second comb also having a second tooth profile and density that is different than the first tooth profile and density (col. 6, lines 6-12). In regard to claims 10-12, the device further having a first and second finger receptive members (14, 24), each having an opening which provides access into a first and second recess with a predetermined size and length into which a first and second digit of a human hand (37) adapted to be inserted therein. In regard to claim 13, the first and second members being formed of plastic (col. 7, lines 60-61) and including a plastic member (18, 28) that is disposed intermediate the first and second members and wherein the plastic member providing a hinge (38) which provides the axis. In regard to claims 14-15, the device further comprising a protrusion (21a) which includes a wider base portion that is attached to the device and a narrower end portion that is disposed away from the base portion. Applicant is noted that all the claimed structure have been shown, the intended use is not given patentable weight.

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Claims 1-3 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander (5769100).

With regard to claim 1-3 and 7-8, Alexander discloses a hair device (figs. 1 and 3) comprising a first member (14) having a linear edge along a side thereof, a second member (13) having an inner edge, said second member being adapted to pivot (fig. 1) about an axis (12) with respect to the first member, wherein the inner edge being adapted to contact at least a portion of the linear edge and both inner and linear edges being not adapted to cut hair when in contact with each other that is adapted to enclose a plurality of hairs that are inherently adapted to secure a braid to the plurality of hair and wherein the opening being inherently adapted to facilitate the removal of the braid when the opening is urged in a direction toward the braid sufficient to make contact with at least a portion of the braid. The inner edge further having an opening (fig. 1) having a arcuate recess of a semi-circle (fig. 1) and a cutting portion (20, col. 4, lines 21-22) with sharp edge. Applicant is noted that all the claimed structure have been shown, the intended use is not given patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander.

With regard to claim 9, Alexander discloses a hair device comprising all the claimed limitations in claim 7 as discussed above except for the sharp edge including a section of razor. It would have been obvious to one having an ordinary skill in the art to replace the cutting blade as taught by Alexander with a section of razor since such modification is well known in the art to use a razor to cut the hair.

Allowable Subject Matter

Claims 17-19 are allowable over prior art.

The following is an examiner's statement of reasons for allowance: none of the prior art of record taken alone or in combination shows a method of removing a braid from a plurality of natural hairs that are woven into a portion of the braid as claimed in claims 17-19, although several prior art of record shows a hair braiding fuser device having a linear edge and an inner edge with a cutting portion, none of the prior art of record shows the step of inserting at least a portion of the plurality of natural hairs intermediate the first and second member in the opening.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGriff, Thompson et al, Grant and Crawford are cited to show the state of the art with respect to a singer or fuser device.

The drawings filed 04/16/2004 have been approved by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Robyn Doan', with a long horizontal flourish extending to the right.

Robyn Doan
October 5, 2005